

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMIE KAIPUST, Special Administrator of
the Estate of Mark S. Kaipust, Jr.,
deceased, and Special Administrator of the
Estate of Taylor R. Kaipust, deceased;

Plaintiff,

vs.

DAIMLER TRUCK NORTH AMERICA, LLC,

Defendant.

8:23CV437

**FINAL PROGRESSION ORDER
(AMENDED)**

The Court grants the parties' joint email motion to extend deadlines in the final progression order. [Filing No. 66](#).

Accordingly,

IT IS ORDERED that the final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for April 29, 2025 is continued and will be held with the undersigned magistrate judge on **July 1, 2025 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is May 2, 2025. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by May 16, 2025.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), are:

For the plaintiff(s): March 28, 2025.

For the defendant(s): May 12, 2025.

Plaintiff(s)' rebuttal: May 16, 2025.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is June 27, 2025.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is July 28, 2025.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is July 28, 2025.
- 7) **Motions in limine shall be filed twenty-eight days before trial.** It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) All other deadlines and provisions in the Court's prior final progression orders not amended herein remain unchanged.

Dated this 27th day of January, 2025.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.